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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/879,825
Filing Date: June 12, 2001
Appellant(s): BARNETT ET AL.

Richard Neifeld
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 9/26/2011 appealing from the Office action mailed 4/25/2011.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

Von Kohorn (5,227,874) 07-1993

Saigh (5,734,823) 03-1998

Cameron (5,592,378) 01-1997

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

Claims 47, 57, 64-73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Von Kohorn (5,227,874) in view of Saigh (5,734,823) in view of Cameron (5,592,378).

Independent Claims 68, 47, 57, 71:

Von Kohorn discloses a server system including a computer processor, associated memory, an input for receiving data, and an output for outputting data (Figs. 1, 3);

wherein said memory defines a database;

wherein said database stores coupon offer data defining available coupon offers, user record data defining user records, and targeting criteria applicable to said user records to determine which of said available coupon offers to associate with which of said user records (2:65-4:3; 3:31-37; 105:65-106:10; 105:15-23; claim 6; Figs. 33, 34; claim 27);

wherein each one of said user records stores

(1) a user identification that is different from all other user identifications stored in all other records of said user records (3:55-65; 2:20-30; Fig. 32; 3:30-37),

(2) information regarding coupons redeemed (2:20-30);

(3) data indicating which of said available coupon offers are to be offered (2:65-4:3; 3:31-37; 105:65-106:10; 105:15-23);

said server system programmed to respond to receipt over a network of a coupon request prompt, said coupon request prompt including a particular user identification, a particular network address, and identification of a particular one of said available coupon offers, by transmitting from said server system to said particular network address, data defining a particular coupon (3:30-37; 2:65-4:3; 2:20-30; 85:15-57),

wherein said data defining said particular coupon encodes both said particular user identification and said particular one of said available coupon offers, wherein said first coupon offer is a coupon offer associated in said database with said particular user identification (3:30-36); and

said server system being programmed to respond to receipt from a coupon redemption address of coupon redemption data indicating an attempt to redeem said particular coupon by comparing said coupon redemption data with said information regarding coupons redeemed in said database, to thereby determine whether said particular coupon was previously redeemed (2:20-27).

In further regards to claim 47, 57, wherein said electronic coupon includes data uniquely identifying the coupon relative to all other coupons transmitted by said first server system (2:20-30; 3:30-37; 85:15-57).

Also, on 8/16/10, Applicant made comments as to how Applicant states these claims can be interpreted, "In accordance with the present invention, the marketing analysis, coupon packaging, and coupon package distribution functions carried out by the coupon distributor 16 may be carried out at the central data repository, i.e. Internet web site. Further, the coupon redemption and user redemption information processing functions individually carried out by the coupon redemption center 13 and the individual retail stores 10 may be combined into a single redemption center, as shown by the dotted line in FIG. 1. . .The claims now pending reflect the server centric embodiment in which the redemption center also performs web site and database functions (via limitations added to independent claims 47 and 57), which limitations also appear in new independent claims 66 and 69."

Hence, Applicant states that the claims can be interpreted as the functions of coupon distribution, analysis, and redemption all occurring at a central location or website.

Von Kohorn does not explicitly disclose electronic forwarding of the coupon or electronic redemption of the coupon. Von Kohorn does not explicitly disclose wherein said coupon is an electronic coupon and said person presenting said coupon does so by transmitting said coupon over a network. However, Von Kohorn discloses electronic sending of coupon related information that is also related to redemption (40:10-15).

Also, Von Kohorn dislcloses that the response unit and a central computer are electronically connected over a network (Fig. 1, 3) and also several means for how the cumulative record data can be collected (claim 8, 9; 102:5-20; and, matrix in Specification). And, Von Kohorn discloses that the analyzing and tabulating can be performed by "computerized processing and analyses" (9:3-8; 9:33-40). Hence, as shown, Von Kohorn states that analyzing/tabulating/etc can be performed by a computer. And, the MPEP states that automating a manual activity is obvious (MPEP 2144.04.III). And, Saigh discloses electronic redemption of coupons (14:15-15:10). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Saigh's electronic redemption of coupons to Von Kohorn's electronic coupon information and Von Kohorn's redemption of coupons at the merchant (8:43-50). One would have been motivated to do this in order to better allow shoppers to use and redeem coupons. Alternatively, it would have been obvious to one having ordinary skill in the art at the time of the invention to combine the features since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

In further regards to claim 47, 57, Von Kohorn further discloses a second server system connected to said communications channel, said second server system being adapted to establish a connection with said client system and for detecting said electronic coupon stored on said client system (Von Kohorn for the multiple computers,

94:30-45; Von Kohorn for the detecting, 90:60-91:20; 92:30-60; also, note that what applies to the card can apply to coupons 94:1-14, 90:60-91:20), said second server system further being adapted to redeem said electronic coupon (Saigh, 14:15-15:10). Also, note in the Applicant's stated interpretation above, the servers are all coming from the same central station/website. And, Von Kohorn discloses several computers at the central station (94:30-45) and, Saigh discloses computers functioning as servers (Figs. 1, 3).

Additionally , in the Remarks dated 3/18/11 on pages 2-6, Applicant states that the prior art does not render obvious electronic issuing and redemption of coupons.

However, the prior art combination does render obvious electronic issuing and redemption of coupons.

Firstly, Examiner notes that the electronic redemption of coupons is minimally described with minimal features in the Applicant's Specification ([31, 76]). Hence, how or the specifics of electronic coupon redemption are open to a broad interpretation.

However, Von Kohorn discloses the structure for two way communication between the end user device and the place of redemption (BPAI affirmed on 8/3/10 on pages 5, 6 in related case 09/451,558). See Figs. 29, 31 of Von Kohorn and the following.

Von Kohorn discloses a central computer/main server and a separate response unit/client computer. Figure 1 of Von Kohorn discloses a Central Station 12 in communication with a Response Unit 22. This Central Station 12 of Von Kohorn functions as the Appellant's claimed central computer/main server system. And, the

separate Response Unit 22 of Von Kohorn, which is communication with the central station, functions as the Appellant's claimed client computer. Figure 28 of Von Kohorn further discloses a Central Station 828. And, importantly, Figure 30 and 26 of Von Kohorn discloses Response Unit item 800 which has a Computer item 804.

Also, note that the central station of Von Kohorn functions as a central computer/main server system and has a computer and processing and data (Fig. 29, items 202, 902, 904; and following citation):

"In terms of construction of the system 900, the data facility 904 may be located distant from the central station, or may be located on site with the central station 202. Also, the scoring computer 902 and the evaluation unit 808 may be located at sites distant from both the central station 202 and the data facility 904 or, alternatively, either one or both of the computer 902 and the evaluation unit 808 may be located at the central station 202 or the data facility 904." (94:30-45).

Hence, Von Kohorn discloses a central station/ central computer/ main server system in communication with a response unit/client computer (Figs, 1, 3 and citations and discussion above). Hence, Von Kohorn discloses the different client and central computers and also structure of the claims. And, this is important to understanding Appellant's other objections.

Also, Von Kohorn further discloses two way communication between the central station and response unit (Figs. 1, 3, 22, 29, 30, 31; 90:60-91:45). The Central Station clearly sends data to the Response Unit (Fig. 3, the Central Station has a Transmitter 74 sending to a Receiver 82 or 40 which is connected to the Response Unit 22). Also,

the Response Unit sends data to the Central Station. Note in Fig. 22, 29, 30, 31 that the Response Unit has a keyboard and is connected to the Central Station via the network for two way communication. For example, in Figure 31, the Central Station 202 is connected to the Play Station 206c/Response Unit. The Play Station/Response Unit receives data from the Central Station and in response the Play Station/Response Unit sends its user inputs to the Data Facility 938. And, the Data Facility is in communication with the Central Station 202. Also, note, as shown above, that the data facility can be located at/with the central station (94:30-45). Hence, the Central Station sends data to the Response Unit and the Response Unit sends data to the Central Station. Hence, there is two way communication between the Central Station/central computer/main server system and Response Unit/client computer.

This two way communication is also shown in Figure 29 of Von Kohorn. Von Kohorn discloses that the Play Station of Fig. 29 (Fig. 29, item 206) can be a Response Unit (89:41-46, "With reference to FIGS. 29-31, the operation of the system 900 begins with the preparation of data, at block 930 (FIG. 31), to be presented to a player at a playing station 206C, via block 932, and to be inputted to the response unit 800 at the playing station 206C via block 934" (col 89, lines 41-46). And, Von Kohorn discloses that there is a communication link between the Redemption Facility (item 906 corresponds to the Point of Sale System), the Data Facility (item 904), the Central Station (item 202) and the Response Unit (item 206c). Note that there is a two way communication link between these parts. Therefore, the Response Unit has a communication link with the Redemption and Authenticate Facility (Point of Sale

System) by way of the two way communication links between these listed items as demonstrated in Fig. 29 (Fig. 29). Also, note, as shown above, that the data facility and redemption facility and central station can all be combined (94:30-45). Also, this interpretation of Von Kohorn has already been affirmed by the BPAI (see BPAI decision on related case 09/451,558 dated 8/3/10 page 6).

Hence, of critical import, Von Kohorn show a separate central station/central computer/main server system and client computer. And, Von Kohorn shows that the central computer and client computer are separate and are in two way communication.

Von Kohorn explicitly discloses electronic issuing of coupons (affirmed by CAFC in related cases 09/754,378 and 09/543,735). The CAFC affirmed electronic issuing of coupons in the independent claims of CAFC affirmed rejections with Von Kohorn in view of Saigh for 09/754,378 and 09/543,735. Also, the CAFC indirectly affirmed the electronic redemption of coupons via claims dependent claims 86 and 108, respectively. These dependent claims 86 and 108 claim electronic redemption of coupons and the CAFC affirmed the rejection of Von Kohorn in view of Saigh on all claims.

Von Kohorn does not explicitly disclose remote electronic coupon redemption. However, Von Kohorn discloses remote redemption of coupons by mail or phone (87:55-65, "…The coupon provides a discount for selected products, and may carry advertising. At block 846, the shopper transmits the coupon to a redemption center by any one of a variety of ways, such as, by mail or by telephone or in person. Then, at block 848, the shopper redeems the coupon and receives an award such as a discount

on the purchase of a selected product."). Hence, given the architecture described above for two way electronic communication, it is obvious that Von Kohorn could take advantage of Von Kohorn's architecture and perform remote coupon redemption via the electronic architecture of Von Kohorn's Fig. 29, 31. One would be motivated to do this to better redeem in "a variety of ways" (Von Kohorn 87:55-65) and in a way that is more convenient to the shopper.

Alternatively, Saigh further discloses Saigh discloses the coupon is an electronic coupon:

"Coupling to merchants' terminals promotional system provides local merchants and the local business direct access to update their promotions and coupons". (8:1-7);

"It distributes promotional and commercial information in electronic format and users may either view the digitized promotional and commercial information at the site or download the information to their personalized media for later viewing. User's can access the promotional and commercial information including the dynamic viewing electronically of advertising, available discounts, commercials, special promotional events, software demos and product catalogs" (14:15-30);

"The user may order products or information electronically via the network. Some of the promotional functions are: coupons on demand, virtual shopping, catalog sales, demos, subscription orders, electronic applications of credit cards, calling cards, or other types of services." (14:60-67).

Hence, Saigh discloses promotions, coupons, discounts that are electronic or Saigh discloses the coupon can be an electronic coupon.

Also, Saigh further discloses the electronic redemption of coupons:

"4. Promotional Delivery System

The promotional system is a point of delivery system for promotional and commercial information. It distributes promotional and commercial information in electronic format and users may either view the digitized promotional and commercial information at the site or download the information to their personalized media for later viewing. User's can access the promotional and commercial information including the dynamic viewing electronically of advertising, available discounts, commercials, special promotional events, software demos and product catalogs. **Users may even shop electronically by manipulating the promotional and commercial information and placing orders through E-Mail from a personal reader/computer or by ordering directly from an interactive promotional Book Bank**." (14:15-30);

"The promotional Book Bank allows selective downloading of promotional and commercial information to the user's point of rental media (see discussion in Section B, System Architecture, for explanation of such downloading) for the user's private review and **personal shopping at his convenience. . .The user may order products or information electronically via the network**. Some of the promotional functions are: coupons on demand, virtual shopping, catalog sales, demos, subscription orders, electronic applications of credit cards, calling cards, or other types of services." (14:50-67).

Hence, as shown above, Saigh discloses, "Users may even shop electronically by manipulating the promotional and commercial information and placing orders

through E-Mail from a personal reader/computer or by ordering directly from an interactive promotional Book Bank" and "selective downloading of promotional and commercial information to the user's point of rental media for the…user's personal shopping at his convenience. . .The user may order products or information electronically via the network".

Hence, Saigh discloses that electronic promotions/coupons can be downloaded and then used during electronic shopping and virtual shopping. And, using an electronic coupon during electronic shopping and virtual shopping functions as redeeming a coupon. Using a coupon during shopping constitutes redeeming a coupon. Hence, Saigh discloses the electronic redemption of electronic coupons.

Hence, Saigh does disclose the coupon is an electronic coupon and also the electronic redemption of coupons. Also, the CAFC affirmed rejections with Von Kohorn in view of Saigh for 09/754,378 and 09/543,735. This CAFC affirmation affirmed the Von Kohorn and Saigh combination for Saigh's use of the Internet related to Von Kohorn's coupon features. Hence, it is obvious that Saigh's use of Internet can be applied to Von Kohorn's coupon redemption to that Von Kohorn's users can redeem coupons using an electronic network like the Internet. Or, as shown with the features from Saigh above, it is obvious that Saigh's virtual shopping with promotions and coupons can be combined with Von Kohorn so Von Kohorn can use or redeem coupons electronically via a network. One would be motivated to do this to better redeem in "a variety of ways" (Von Kohorn 87:55-65) and in a way that is more convenient to the shopper.

Alternatively, Cameron discloses using the Internet or a network (5:13-16; Fig. 2) and redeeming coupons electronically via a network (Figs. 13, 15; 11:10-15). Examiner notes that the use of Cameron for these features is already affirmed by the BPAI in this case 09/879,825 (see BPAI decision for 09/879,825 dated 8/21/2008 pages 31-34 and page 37, "The Appellant's have not otherwise shown prejudicial error"). Cameron further discloses electronically using or redeeming coupons via a network (12:10-40; 20:5-20; 8:5-10; 9:40-45). Therefore, it would be obvious that Von Kohorn can utilize the electronic redemption of coupons via a network as shown in Cameron. One would be motivated to do this to better redeem in "a variety of ways" (Von Kohorn 87:55-65) and in a way that is more convenient to the shopper. Alternatively, it would have been obvious to one having ordinary skill in the art at the time of the invention to combine the features of the two inventions since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Dependent Claims 64, 66, 69, 72. Von Kohorn further discloses the system of claim 66 wherein said server system is programmed to store whether said particular coupon has been redeemed in said database (2:20-30).

Dependent Claims 65, 67, 70, 73. Von Kohorn further discloses the system of claim 66 wherein said server system is programmed to disallow redemption of said particular coupon if said comparing indicates that said particular coupon was previously redeemed (2:20-30; and the forgery, authentication, validation protections of 90:60-

91:20; 92:30-60; 94:13-20; 95:3-10; also, note that what applies to the card can apply to coupons 94:1-14, 90:60-91:20).

Claims 47, 57, 64-73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Von Kohorn (5,227,874) in view of Cameron (5,592,378).

Independent Claims 68, 47, 57, 71:

Von Kohorn discloses a server system including a computer processor, associated memory, an input for receiving data, and an output for outputting data (Figs. 1, 3);

wherein said memory defines a database;

wherein said database stores coupon offer data defining available coupon offers, user record data defining user records, and targeting criteria applicable to said user records to determine which of said available coupon offers to associate with which of said user records (2:65-4:3; 3:31-37; 105:65-106:10; 105:15-23; claim 6; Figs. 33, 34; claim 27);

wherein each one of said user records stores

(1) a user identification that is different from all other user identifications stored in all other records of said user records (3:55-65; 2:20-30; Fig. 32; 3:30-37),

(2) information regarding coupons redeemed (2:20-30);

(3) data indicating which of said available coupon offers are to be offered (2:65-4:3; 3:31-37; 105:65-106:10; 105:15-23);

said server system programmed to respond to receipt over a network of a coupon request prompt, said coupon request prompt including a particular user identification, a particular network address, and identification of a particular one of said available coupon offers, by transmitting from said server system to said particular network address, data defining a particular coupon (3:30-37; 2:65-4:3; 2:20-30; 85:15-57),

wherein said data defining said particular coupon encodes both said particular user identification and said particular one of said available coupon offers, wherein said first coupon offer is a coupon offer associated in said database with said particular user identification (3:30-36); and

said server system being programmed to respond to receipt from a coupon redemption address of coupon redemption data indicating an attempt to redeem said particular coupon by comparing said coupon redemption data with said information regarding coupons redeemed in said database, to thereby determine whether said particular coupon was previously redeemed (2:20-27).

In further regards to claim 47, 57, wherein said electronic coupon includes data uniquely identifying the coupon relative to all other coupons transmitted by said first server system (2:20-30; 3:30-37; 85:15-57).

Also, on 8/16/10, Applicant made comments as to how Applicant states these claims can be interpreted, "In accordance with the present invention, the marketing analysis, coupon packaging, and coupon package distribution functions carried out by the coupon distributor 16 may be carried out at the central data repository, i.e. Internet

web site. Further, the coupon redemption and user redemption information processing functions individually carried out by the coupon redemption center 13 and the individual retail stores 10 may be combined into a single redemption center, as shown by the dotted line in FIG. 1. . .The claims now pending reflect the server centric embodiment in which the redemption center also performs web site and database functions (via limitations added to independent claims 47 and 57), which limitations also appear in new independent claims 66 and 69."

Hence, Applicant states that the claims can be interpreted as the functions of coupon distribution, analysis, and redemption all occurring at a central location or website.

Von Kohorn does not explicitly disclose electronic forwarding of the coupon or electronic redemption of the coupon. Von Kohorn does not explicitly disclose wherein said coupon is an electronic coupon and said person presenting said coupon does so by transmitting said coupon over a network. However, Von Kohorn discloses electronic sending of coupon related information that is also related to redemption (40:10-15). Also, Von Kohorn dislcloses that the response unit and a central computer are electronically connected over a network (Fig. 1, 3) and also several means for how the cumulative record data can be collected (claim 8, 9; 102:5-20; and, matrix in Specification). And, Von Kohorn discloses that the analyzing and tabulating can be performed by "computerized processing and analyses" (9:3-8; 9:33-40). Hence, as shown, Von Kohorn states that analyzing/tabulating/etc can be performed by a computer. And, the MPEP states that automating a manual activity is obvious (MPEP

2144.04.III). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add electronic redemption of coupons to Von Kohorn's electronic coupon information and Von Kohorn's redemption of coupons at the merchant (8:43-50). One would have been motivated to do this in order to better allow shoppers to use and redeem coupons. Alternatively, it would have been obvious to one having ordinary skill in the art at the time of the invention to combine the features since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

In further regards to claim 47, 57, Von Kohorn further discloses a second server system connected to said communications channel, said second server system being adapted to establish a connection with said client system and for detecting said electronic coupon stored on said client system (Von Kohorn for the multiple computers, 94:30-45; Von Kohorn for the detecting, 90:60-91:20; 92:30-60; also, note that what applies to the card can apply to coupons 94:1-14, 90:60-91:20). Also, note in the Applicant's stated interpretation above, the servers are all coming from the same central station/website. And, Von Kohorn discloses several computers at the central station (94:30-45).

Additionally, in the Remarks dated 3/18/11 on pages 2-6, Applicant states that the prior art does not render obvious electronic issuing and redemption of coupons.

However, the prior art combination does render obvious electronic issuing and redemption of coupons.

Firstly, Examiner notes that the electronic redemption of coupons is minimally described with minimal features in the Applicant's Specification ([31, 76]). Hence, how or the specifics of electronic coupon redemption are open to a broad interpretation.

However, Von Kohorn discloses the structure for two way communication between the end user device and the place of redemption (BPAI affirmed on 8/3/10 on pages 5, 6 in related case 09/451,558). See Figs. 29, 31 of Von Kohorn and the following.

Von Kohorn discloses a central computer/main server and a separate response unit/client computer. Figure 1 of Von Kohorn discloses a Central Station 12 in communication with a Response Unit 22. This Central Station 12 of Von Kohorn functions as the Appellant's claimed central computer/main server system. And, the separate Response Unit 22 of Von Kohorn, which is communication with the central station, functions as the Appellant's claimed client computer. Figure 28 of Von Kohorn further discloses a Central Station 828. And, importantly, Figure 30 and 26 of Von Kohorn discloses Response Unit item 800 which has a Computer item 804.

Also, note that the central station of Von Kohorn functions as a central computer/main server system and has a computer and processing and data (Fig. 29, items 202, 902, 904; and following citation):

"In terms of construction of the system 900, the data facility 904 may be located distant from the central station, or may be located on site with the central station 202.

Also, the scoring computer 902 and the evaluation unit 808 may be located at sites distant from both the central station 202 and the data facility 904 or, alternatively, either one or both of the computer 902 and the evaluation unit 808 may be located at the central station 202 or the data facility 904." (94:30-45).

Hence, Von Kohorn discloses a central station/ central computer/ main server system in communication with a response unit/client computer (Figs, 1, 3 and citations and discussion above). Hence, Von Kohorn discloses the different client and central computers and also structure of the claims. And, this is important to understanding Appellant's other objections.

Also, Von Kohorn further discloses two way communication between the central station and response unit (Figs. 1, 3, 22, 29, 30, 31; 90:60-91:45). The Central Station clearly sends data to the Response Unit (Fig. 3, the Central Station has a Transmitter 74 sending to a Receiver 82 or 40 which is connected to the Response Unit 22). Also, the Response Unit sends data to the Central Station. Note in Fig. 22, 29, 30, 31 that the Response Unit has a keyboard and is connected to the Central Station via the network for two way communication. For example, in Figure 31, the Central Station 202 is connected to the Play Station 206c/Response Unit. The Play Station/Response Unit receives data from the Central Station and in response the Play Station/Response Unit sends its user inputs to the Data Facility 938. And, the Data Facility is in communication with the Central Station 202. Also, note, as shown above, that the data facility can be located at/with the central station (94:30-45). Hence, the Central Station sends data to the Response Unit and the Response Unit sends data to the Central Station. Hence,

there is two way communication between the Central Station/central computer/main server system and Response Unit/client computer.

This two way communication is also shown in Figure 29 of Von Kohorn. Von Kohorn discloses that the Play Station of Fig. 29 (Fig. 29, item 206) can be a Response Unit (89:41-46, "With reference to FIGS. 29-31, the operation of the system 900 begins with the preparation of data, at block 930 (FIG. 31), to be presented to a player at a playing station 206C, via block 932, and to be inputted to the response unit 800 at the playing station 206C via block 934" (col 89, lines 41-46). And, Von Kohorn discloses that there is a communication link between the Redemption Facility (item 906 corresponds to the Point of Sale System), the Data Facility (item 904), the Central Station (item 202) and the Response Unit (item 206c). Note that there is a two way communication link between these parts. Therefore, the Response Unit has a communication link with the Redemption and Authenticate Facility (Point of Sale System) by way of the two way communication links between these listed items as demonstrated in Fig. 29 (Fig. 29). Also, note, as shown above, that the data facility and redemption facility and central station can all be combined (94:30-45). Also, this interpretation of Von Kohorn has already been affirmed by the BPAI (see BPAI decision on related case 09/451,558 dated 8/3/10 page 6).

Hence, of critical import, Von Kohorn show a separate central station/central computer/main server system and client computer. And, Von Kohorn shows that the central computer and client computer are separate and are in two way communication.

Von Kohorn explicitly discloses electronic issuing of coupons (affirmed by CAFC in related cases 09/754,378 and 09/543,735). The CAFC affirmed electronic issuing of coupons in the independent claims of CAFC affirmed rejections with Von Kohorn in view of Saigh for 09/754,378 and 09/543,735. Also, the CAFC indirectly affirmed the electronic redemption of coupons via claims dependent claims 86 and 108, respectively. These dependent claims 86 and 108 claim electronic redemption of coupons and the CAFC affirmed the rejection of Von Kohorn in view of Saigh on all claims.

Von Kohorn does not explicitly disclose remote electronic coupon redemption. However, Von Kohorn discloses remote redemption of coupons by mail or phone (87:55-65, "…The coupon provides a discount for selected products, and may carry advertising. At block 846, the shopper transmits the coupon to a redemption center by any one of a variety of ways, such as, by mail or by telephone or in person. Then, at block 848, the shopper redeems the coupon and receives an award such as a discount on the purchase of a selected product."). Hence, given the architecture described above for two way electronic communication, it is obvious that Von Kohorn could take advantage of Von Kohorn's architecture and perform remote coupon redemption via the electronic architecture of Von Kohorn's Fig. 29, 31. One would be motivated to do this to better redeem in "a variety of ways" (Von Kohorn 87:55-65) and in a way that is more convenient to the shopper.

Alternatively, Cameron discloses using the Internet or a network (5:13-16; Fig. 2) and redeeming coupons electronically via a network (Figs. 13, 15; 11:10-15). Examiner

notes that the use of Cameron for these features is already affirmed by the BPAI in this case 09/879,825 (see BPAI decision for 09/879,825 dated 8/21/2008 pages 31-34 and page 37, "The Appellant's have not otherwise shown prejudicial error"). Cameron further discloses electronically using or redeeming coupons via a network (12:10-40; 20:5-20; 8:5-10; 9:40-45). Therefore, it would be obvious that Von Kohorn can utilize the electronic redemption of coupons via a network as shown in Cameron. One would be motivated to do this to better redeem in "a variety of ways" (Von Kohorn 87:55-65) and in a way that is more convenient to the shopper. Alternatively, it would have been obvious to one having ordinary skill in the art at the time of the invention to combine the features of the two inventions since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Dependent Claims 64, 66, 69, 72. Von Kohorn further discloses the system of claim 66 wherein said server system is programmed to store whether said particular coupon has been redeemed in said database (2:20-30).

Dependent Claims 65, 67, 70, 73. Von Kohorn further discloses the system of claim 66 wherein said server system is programmed to disallow redemption of said particular coupon if said comparing indicates that said particular coupon was previously redeemed (2:20-30; and the forgery, authentication, validation protections of 90:60-91:20; 92:30-60; 94:13-20; 95:3-10; also, note that what applies to the card can apply to coupons 94:1-14, 90:60-91:20).

(10) Response to Argument

On page 10 of Appellant's Arguments dated 9/26/11, Appellant states:

"B.

ESTOPPEL ARGUMENTS APPLICABLE TO ALL

PENDING CLAIMS: 47, 57, AND 64-73"

In summary, the examiner reiterates the same basis for rejections that were found untenable in the prior BPAI decision in this case resulting in reversal of the prior 103 rejection based upon Von Kohom and Saigh (D1 and D2) of claims 47-63."

However, and of key importance, Examiner notes that the rejection of the claims above is based upon Von Kohorn in view of Saigh in view of Cameron. Alternatively, the rejection of the claims is based upon Von Kohorn in view of Cameron. There is a complete rejection of the claims with Von Kohorn, Saigh, and Cameron. And, there is a complete rejection of the claims with Von Kohorn and Cameron. Hence, the Cameron reference is a critical reference that is included in both the 103 rejection sets. Cameron alone shows the Internet and electronic coupon redemption features. Cameron was added to Von Kohorn and Saigh because Cameron further clarifies the Internet and redemption features shown in Von Kohorn and Saigh. In the alternative rejection, Cameron was added to Von Kohorn because Cameron alone shows the Internet and electronic coupon redemption features.

On page 15, Appellant questions what a prior BPAI decision on this case has stated about the Cameron reference. Examiner notes that on pages 31-34 and 37 of the 8/21/2008 decision regarding this 09/879,825 case the BPAI states about Cameron:

"The Examiner has additionally found that Cameron describes redeeming coupons over a network for remote areas utilizing a TCP/IP network, and concluded it would have been obvious to use a TCP/IP network. (Ans. at 8-9).

(ii) Findings of Fact…

FF-C06. The Examiner has found that Cameron describes redeeming coupons over a network operating over remote areas using a TCI/IP network (Cameron 5:13-16; 11:10-15). (Ans. at 8).

FF-C07. The Examiner concluded that it would have been obvious to use a TCP/IP network because TCP/IP is known to be a standard and effective protocol. (Ans. at 9)….

Third, it is evident that Cameron is in the same field of endeavor, as it pertains to electronic commerce and the redemption of coupons (See, e.g. Fig. 15, reference number 124.)" (pages 31-34); and

"CONCLUSION OF LAW…

The Appellants have not otherwise shown prejudicial error." (page 37).

Hence, the BPAI on 8/21/2008 affirms that Cameron shows electronic commerce and redemption of coupons and use of a TCP/IP network.

Also, regardless, the BPAI certainly did Not refute that Cameron shows electronic redemption of coupons. And, the Examiner holds now that electronic redemption of coupons is what Cameron shows. And, with an apparent prior endorsement of Cameron showing electronic redemption of coupons and, certainly, without any prior refutation of Cameron showing electronic redemption of coupons, Examiner can rely on Cameron to show electronic redemption of coupons.

On page 17, Appellant states:

“2.

ESTOPPEL - Independent claims 68 and 71

The foregoing arguments apply at least in part to claims 68 and 71 for the following reasons. The former BPAI decision reasoned that "Electronic issuance and redemption of the coupon of Von Kohorn would act to frustrate portions of Von Kohorn's invention, the dispensing and redemption of product-specific tokens, for example.”.

Firstly, Examiner notes that the electronic redemption of coupons is minimally described with minimal features in the Applicant’s Specification ([31, 76]). Hence, how or the specifics of electronic coupon redemption are open to a broad interpretation.

Also, Examiner notes that teaching of a preference or variation does not constitute a teaching away from the proposed combination under review. See In re Fulton, 391 F.3d 1195, 1199-1200, 73 USPQ2d 1141, 1146 (Fed. Cir. 2004). And, Von Kohorn is a 84 page reference with many variations.

And, Examiner notes that there are numerous related cases to the current case 09/879,825. All cases that have gone to the CAFC and have been affirmed by the CAFC. And, Von Kohorn discloses the structure for two way communication between the end user device and the place of redemption (BPAI affirmed on 8/3/10 on pages 5, 6 in related case 09/451,558). See Figs. 29, 31 of Von Kohorn and the following.

Also, the Response Unit has a communication link with the Redemption and Authenticate Facility (Point of Sale System) by way of the two way communication links between these listed items as demonstrated in Fig. 29 (Fig. 29). Also, note, as shown

above, that the data facility and redemption facility and central station can all be combined (94:30-45). Also, this interpretation of Von Kohorn has already been affirmed by the BPAI (see BPAI decision on related case 09/451,558 dated 8/3/10 page 6).

On 8/3/10, the BPAI affirmed the rejection of the claims of related case 09/451,558, the BPAI states about Von Kohorn on pages 5, 6:

"We do not find Appellants' argument that Von Kohorn does not disclose (1) an electronic coupon dispensing system, (2) a memory for electronically storing a plurality of coupons, (3) a user interface for permitting selection from said plurality of coupons and (4) a printer for printing coupons persuasive. We agree with the Examiner that Von Kohorn discloses an electronic coupon dispensing system wherein persons receive coupons in response to a task (col. 2, 11.45 to 52). We also find that Von Kohorn also discloses a memory 330 for electronically storing a plurality of coupons (col. 76, 11.49 to 59; Fig. 25) and a user interface for permitting selection of a plurality of coupons (col. 2, 1. 65 to col. 3, 1. 2). Von Kohorn also discloses a printer for printing coupons selected (col. 2, 1. 65 to col. 3, 1. 2; col. 10, 11. 15 to 21).

We also do not find Appellants' argument that Von Kohorn does not disclose a communication link between the point of sale system and the response unit persuasive. We agree with the Examiner that there is a communication link between the point of sale system 906 and the response unit or electronic coupon dispenser 206c through the data facility 904 and central station 202. We note that the claim does not require direct communication between the response unit and the point of sale system."

Also, Von Kohorn explicitly discloses electronic issuing of coupons (affirmed by CAFC in related cases 09/754,378 and 09/543,735, dated 10/11/2007 and 10/11/2007 respectively). The CAFC affirmed electronic issuing of coupons in the independent claims of CAFC affirmed rejections with Von Kohorn in view of Saigh for 09/754,378 and 09/543,735. Also, th CAFC affirmations affirmed the Von Kohorn and Saigh combination for Saigh's use of the Internet related to Von Kohorn's coupon features. Also, the CAFC indirectly affirmed the electronic redemption of coupons via claims dependent claims 86 and 108, of 09/754,378 and 09/543,735 respectively. These dependent claims 86 and 108 claim electronic redemption of coupons and the CAFC affirmed the rejection of Von Kohorn in view of Saigh on all claims.

Also, Von Kohorn clearly discloses remote redemption of coupons:

"The term "redeem" is intended to include the collection of a prize by delivering or presenting a coupon personally, through the mail, or other forms of obtaining a prize or discount upon surrendering or in exchange for a coupon." (79:25-30);

"Coupons may be redeemed in person, by mail, or by telephone using the validation code on the coupons to verify its authenticity." (82:40-45).

,". At block 846, the shopper transmits the coupon to a redemption center by any one of a variety of ways, such as, by mail or by telephone or in person. ." (87:55-65).

Examiner notes that transmitting or redeeming a coupon through the mail or telephone is remote coupon redemption. And, Von Kohorn is also further open to "other forms" or "variety of ways" of transmitting the coupon for coupon redemption.

Hence, given that Von Kohorn explicitly discloses remote coupon redemption and also other ways of transmitting coupons for redemption (as shown above), and that Von Kohorn explicitly discloses electronic issuing of coupons (affirmed by the CAFC as shown above), and given the affirmation of the combination of Von Kohorn with Saigh for Saigh's use of the Internet related to coupons (affirmed by the CAFC as shown above), Examiner states that electronic issuing and redemption of coupons would not go against the teachings of Von Kohorn. Examiner notes that electronic redemption is another form of the remote redemption that Von Kohorn has already disclosed.

And, Cameron has been added to Von Kohorn to further demonstrate the electronic redemption of coupons.

And, the present rejection is Von Kohorn, Saign, and Cameron or Von Kohorn and Cameron.

On page 50, Appellant states, “D 1 does not disclose remote redemption of coupons by mail or phone.”

However, Von Kohorn clearly shows remote redemption of coupons by mail or phone (Fig. 28, 87:55-65, citations and explanation above; and the following citations):

“Coupons may be redeemed by mail or in retail establishments for cash, prizes or discounts.” (8:45-50);

“The term "redeem" is intended to include the collection of a prize by delivering or presenting a coupon personally, through the mail, or other forms of obtaining a prize or discount upon surrendering or in exchange for a coupon.” (79:25-30);

"Coupons may be redeemed in person, by mail, or by telephone using the validation code on the coupons to verify its authenticity." (82:40-45).

Hence, Von Kohorn clearly discloses redemption of coupons by mail or telephone or "other forms. And, redeeming by mail or telephone functions as remote redemption of coupons.

On page 50, Appellant states, "Central station 12 has no computer. D 1 does not disclose that the central station functions as a central computer/main server. Central station 12 has no computer.

However, as noted in the rejection above, Von Kohorn does disclose that the central station has a computer:

"Von Kohorn discloses a central computer/main server and a separate response unit/client computer. Figure 1 of Von Kohorn discloses a Central Station 12 in communication with a Response Unit 22. This Central Station 12 of Von Kohorn functions as the Appellant's claimed central computer/main server system. And, the separate Response Unit 22 of Von Kohorn, which is communication with the central station, functions as the Appellant's claimed client computer. Figure 28 of Von Kohorn further discloses a Central Station 828. And, importantly, Figure 30 and 26 of Von Kohorn discloses Response Unit item 800 which has a Computer item 804.

Also, note that the central station of Von Kohorn functions as a central computer/main server system and has a computer and processing and data (Fig. 29, items 202, 902, 904; and following citation):

"In terms of construction of the system 900, the data facility 904 may be located distant from the central station, or may be located on site with the central station 202. Also, the scoring computer 902 and the evaluation unit 808 may be located at sites distant from both the central station 202 and the data facility 904 or, alternatively, either one or both of the computer 902 and the evaluation unit 808 may be located at the central station 202 or the data facility 904." (94:30-45).

Hence, Von Kohorn discloses a central station/ central computer/ main server system in communication with a response unit/client computer (Figs, 1, 3 and citations and discussion above). Hence, Von Kohorn discloses the different client and central computers and also structure of the claims. And, this is important to understanding Appellant's other objections."

Hence, Von Kohorn clearly discloses a central station with computer in communication with a client computer.

And, given that Von Kohorn shows remote redemption of coupons and that Von Kohorn shows communication between a central station and client computer, Examiner states that is obvious that remote redemption using the communication between the central station and client computer can occur. And, as further showing how this is obvious, Cameron shows remote electronic redemption.

As stated in the rejections above, firstly, Examiner notes that the electronic redemption of coupons is minimally described with minimal features in the Applicant's Specification ([31, 76]). Hence, how or the specifics of electronic coupon redemption are open to a broad interpretation.

And, Von Kohorn discloses the structure for two way communication between the end user device and the place of redemption (BPAI affirmed on 8/3/10 on pages 5, 6 in related case 09/451,558). See Figs. 29, 31 of Von Kohorn and the following.

Von Kohorn discloses a central computer/main server and a separate response unit/client computer. Figure 1 of Von Kohorn discloses a Central Station 12 in communication with a Response Unit 22. This Central Station 12 of Von Kohorn functions as the Appellant's claimed central computer/main server system. And, the separate Response Unit 22 of Von Kohorn, which is communication with the central station, functions as the Appellant's claimed client computer. Figure 28 of Von Kohorn further discloses a Central Station 828. And, importantly, Figure 30 and 26 of Von Kohorn discloses Response Unit item 800 which has a Computer item 804.

Also, note that the central station of Von Kohorn functions as a central computer/main server system and has a computer and processing and data (Fig. 29, items 202, 902, 904; and following citation):

"In terms of construction of the system 900, the data facility 904 may be located distant from the central station, or may be located on site with the central station 202. Also, the scoring computer 902 and the evaluation unit 808 may be located at sites distant from both the central station 202 and the data facility 904 or, alternatively, either one or both of the computer 902 and the evaluation unit 808 may be located at the central station 202 or the data facility 904." (94:30-45).

Hence, Von Kohorn discloses a central station/ central computer/ main server system in communication with a response unit/client computer (Figs, 1, 3 and citations

and discussion above). Hence, Von Kohorn discloses the different client and central computers and also structure of the claims. And, this is important to understanding Appellant's other objections.

Also, Von Kohorn further discloses two way communication between the central station and response unit (Figs. 1, 3, 22, 29, 30, 31; 90:60-91:45). The Central Station clearly sends data to the Response Unit (Fig. 3, the Central Station has a Transmitter 74 sending to a Receiver 82 or 40 which is connected to the Response Unit 22). Also, the Response Unit sends data to the Central Station. Note in Fig. 22, 29, 30, 31 that the Response Unit has a keyboard and is connected to the Central Station via the network for two way communication. For example, in Figure 31, the Central Station 202 is connected to the Play Station 206c/Response Unit. The Play Station/Response Unit receives data from the Central Station and in response the Play Station/Response Unit sends its user inputs to the Data Facility 938. And, the Data Facility is in communication with the Central Station 202. Also, note, as shown above, that the data facility can be located at/with the central station (94:30-45). Hence, the Central Station sends data to the Response Unit and the Response Unit sends data to the Central Station. Hence, there is two way communication between the Central Station/central computer/main server system and Response Unit/client computer.

This two way communication is also shown in Figure 29 of Von Kohorn. Von Kohorn discloses that the Play Station of Fig. 29 (Fig. 29, item 206) can be a Response Unit (89:41-46, "With reference to FIGS. 29-31, the operation of the system 900 begins with the preparation of data, at block 930 (FIG. 31), to be presented to a player at a

playing station 206C, via block 932, and to be inputted to the response unit 800 at the playing station 206C via block 934" (col 89, lines 41-46). And, Von Kohorn discloses that there is a communication link between the Redemption Facility (item 906 corresponds to the Point of Sale System), the Data Facility (item 904), the Central Station (item 202) and the Response Unit (item 206c). Note that there is a two way communication link between these parts. Therefore, the Response Unit has a communication link with the Redemption and Authenticate Facility (Point of Sale System) by way of the two way communication links between these listed items as demonstrated in Fig. 29 (Fig. 29). Also, note, as shown above, that the data facility and redemption facility and central station can all be combined (94:30-45). Also, this interpretation of Von Kohorn has already been affirmed by the BPAI (see BPAI decision on related case 09/451,558 dated 8/3/10 page 6).

Hence, of critical import, Von Kohorn show a separate central station/central computer/main server system and client computer. And, Von Kohorn shows that the central computer and client computer are separate and are in two way communication.

Von Kohorn explicitly discloses electronic issuing of coupons (affirmed by CAFC in related cases 09/754,378 and 09/543,735). The CAFC affirmed electronic issuing of coupons in the independent claims of CAFC affirmed rejections with Von Kohorn in view of Saigh for 09/754,378 and 09/543,735. Also, the CAFC indirectly affirmed the electronic redemption of coupons via claims dependent claims 86 and 108, respectively. These dependent claims 86 and 108 claim electronic redemption of

coupons and the CAFC affirmed the rejection of Von Kohorn in view of Saigh on all claims.

Von Kohorn does not explicitly disclose remote electronic coupon redemption. However, Von Kohorn discloses remote redemption of coupons by mail or phone (87:55-65, "…The coupon provides a discount for selected products, and may carry advertising. At block 846, the shopper transmits the coupon to a redemption center by any one of a variety of ways, such as, by mail or by telephone or in person. Then, at block 848, the shopper redeems the coupon and receives an award such as a discount on the purchase of a selected product."). Hence, given the architecture described above for two way electronic communication, it is obvious that Von Kohorn could take advantage of Von Kohorn's architecture and perform remote coupon redemption via the electronic architecture of Von Kohorn's Fig. 29, 31. One would be motivated to do this to better redeem in "a variety of ways" (Von Kohorn 87:55-65) and in a way that is more convenient to the shopper.

Then, Saigh and/or Cameron further show electronic redemption of coupons. Since Cameron is in both sets of rejections, Examiner will focus on Cameron.

Cameron discloses using the Internet or a network (5:13-16; Fig. 2) and redeeming coupons electronically via a network (Figs. 13, 15; 11:10-15). Examiner notes that the use of Cameron for these features is already affirmed by the BPAI in this case 09/879,825 (see BPAI decision for 09/879,825 dated 8/21/2008 pages 31-34 and page 37, "The Appellant's have not otherwise shown prejudicial error"). Cameron further discloses electronically using or redeeming coupons via a network (12:10-40;

20:5-20; 8:5-10; 9:40-45). Therefore, it would be obvious that Von Kohorn can utilize the electronic redemption of coupons via a network as shown in Cameron. One would be motivated to do this to better redeem in "a variety of ways" (Von Kohorn 87:55-65) and in a way that is more convenient to the shopper. Alternatively, it would have been obvious to one having ordinary skill in the art at the time of the invention to combine the features of the two inventions since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

And, note that Fig. 1 of Cameron shows the network that Cameron can operate on and that this network can be a TCP/IP network, "FIG. 1 illustrates an order entry system 10. The preferred network configuration…The network configuration preferably supports the TCP/IP network protocol." (5:3-15; and, Fig. 1). And, a TCP/IP network functions as the Internet. And, Cameron further discloses that the customer, product, ordering, company interactions can occur over the Internet, "FIG. 2 illustrates conceptually a preferred business data model 5 for order entry system 10 of FIG. 1" (6:1-5; and, Fig. 2). Hence, the entire Cameron disclosure is disclosed as functioning on the Internet.

Also, Cameron shows that coupon redemption occurs in the Cameron invention which functions on the Internet. Note that item 104 of Fig. 13 of Cameron shows a coupon being redeemed electronically as a payment method for an order. And, Fig. 15 further shows redeeming a coupon electronically as a payment type. Cameron further

shows electronic redemptions of coupons with the citations above, now copied below for convenience:

"The available payment methods for the company providing the offer or offers being ordered is displayed at available payment method data capture field 104. Such payment methods may include, for example, a credit card, a check, a coupon, and/or a recovery coupon (i.e., gift certificate)" (11:10-15);

"A user may also preferably view all discounts that a customer receives for a particular order by selecting discounts button 54j. Upon selecting button 54j, a discounts window 73 opens. The information displayed by window 73 preferably includes the offer or offers being discounted, the type of discount, and the discount amount or amounts." (9:40-45);

"One of the key features of billing module 36 is the ability to allocate an order total across a plurality of payment methods.. ." (12:10-40) with "Such payment methods may include, for example, a credit card, a check, a coupon, and/or a recovery coupon (i.e., gift certificate)." (11:10-15; Fig. 13, 15).

And, note that using a coupon when purchasing products functions as redeeming a coupon. Hence, Cameron discloses redeeming coupons over the Internet.

On page 57, Appellant presents argument concerning dependent claim 65 and the features, " wherein said first server system is programmed to disallow redemption of said particular coupon if said comparing indicates that said particular coupon was previously redeemed".

As noted in the rejection of claim 65 above, Von Kohorn discloses these features. Von Kohorn further discloses that the coupon will not be allowed to be redeemed if a comparison shows the coupon was previously redeemed:

"Each time a winning coupon is presented at a redemption center, the winner of such a prize is required to present the verification card. The numbers on the winning coupon and on the card are compared to verify their matching. When the coupon is redeemed, the corresponding space or box in the verification card are canceled or invalidated by any one of many known methods, such as marking,punching, tearing off, stamping and the like…" (17:10-20)'

"…The machine readable card 48, or a one-time coupon which may be outputted by the dispenser 46, may be presented or redeemed for prizes by successful participants at a local store or other business establishment cooperating with the broadcaster." (20:35-45);

"By replacing the recording media, such as rolls of paper tape, periodically, and by stipulating redemption of the record thus created within a specified time period, the unauthorized reproduction, tampering with and counterfeiting of the marked recording media can, for all practical purposes, be prevented." 16:17-25.

Hence, Von Kohorn clearly discloses a one-time use coupon and comparing validation number on coupons then invalidating the number after redemption so that a coupon is redeemed only once.

In further regards to the other dependent claims, note the rejections of these claims above with citations and explanation. Also, the dependent claims assume what has already been demonstrated about their parent claims above.

On page 18 thru 49, Appellant presents a Table with statements about features. These features are addressed in the response to arguments above and in the rejections above.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Arthur Duran/
Primary Examiner, Art Unit 3622
10/20/2011

Conferees:

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